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RECEIVED
PHILIP MORRIS, INC.
LAW DEPT.-PATENT SECTION
SEP 15 1982
NOTED

AIR MAIL

Patent Counsel,
Philip Morris Inc.,
Law Department - Patent Section,
P.O. Box 26583,
Richmond,
Virginia 23261,
United States of America.

JHB/PC/23844

18th August 1982

DUE DATE 12-16-82
DOCKETED 9-16/CH
NOTED YES

Dear Sirs,

U.K. Patent Application 81 141 588
PM 1088/9 DELTA - Our File: 23844

Further to our letter of 8th July 1982, the British Patent Office has acted unexpectedly quickly on this application following the request for examination. We enclose an official action which is due for reply by 16th February 1983.

The Examiner cites two British and one US specification against the novelty of claims 1 and 13. In item 4, the Examiner draws attention to the question of priority date, which limits to some extent the impact that the Imperial publication has on the present application. We explained the position in our letter of 6th October 1981. The Examiner (or his typist) has apparently forgotten to mark "X" against the specification to which item 4 refers, but it is clearly the Imperial application.

There remain a large number of individual objections to the claims and to parts of the description. Many of them are matters we can deal with since they are essentially formal in character. We may comment however on certain of the items as follows:

5. We have already considered the possibility of restricting the definition of the mass of material, although without coming to a firm conclusion. Clearly this must be dealt with in the response to this action.

6&7. These are both proposals for clarifying or restricting the scope of claim 1 or 13, and we shall need your instructions.

11. Since the water present at extrusion is no longer present in the finished article, the Examiner's proposal is not really appropriate but it does serve to illustrate the point that claim 7 is of a somewhat anomalous character, being a product claim characterised by a process step.

Cont ....

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14. The expression complained of is clear in intention, if not entirely explicit when the words are taken in isolation. One could avoid this objection by a periphrasis such as "additive not possessing binding properties".

15. Do you agree with this substitution in the definition of claim 21? As to item 16, these optional features were included to reduce the total number of claims and could appropriately be eliminated. If the items are of importance they should be included in a separate dependent claim.

26. We can do simple conversion of standard units, but we may have some difficulty in dealing with drill bits and possibly mesh sizes. Your assistance in this direction would be helpful.

Please look through all the remaining detailed objections and let us have your comments where these might be of any assistance to us.

It is regrettable that, given references which lead the Examiner to reject certain claims as lacking novelty, he does not feel able to give us any guidance by indicating possible obviousness objections to other claims. We fear this is a result of the British Examiners' continuing inability to administer the new law, arising from inexperience due to the absence of "obviousness" jurisdiction under our old statute.

We look forward to your comments and instructions in good time before the end of the term.

Yours faithfully,

Enc: Copy official action.

P.S. Since dictating this letter we have received Fish & Neave's telex of 17th August. The US amendments may be satisfactory as the basis of the European response, but I will look into this. I shall still need a detailed comment on the Imperial reference.

As we are to look to F&N for instructions, I am sending them a copy of this letter.

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